

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CHRISTOPHER WATSON and
INTELLECTUS, LLC

Case No.: 11 Civ. 0874 (PAC)

Plaintiffs,

vs.

RIPTIDE WORLDWIDE, INC. (F/K/A SHEA
DEVELOPMENT CORP.), FRANCIS E.
WILDE, TOMMY E. WHEELER, E. JOSEPH
VITETTA, JR., RICHARD CONNELLY and
PHILIP E. LOEFFEL

Defendants.

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NOTICE OF MOTION

PLEASE TAKE NOTICE THAT, upon the annexed Declaration of Philip E. Loeffel, affirmed on April 28, 2011, and upon the exhibits attached thereto, the Declaration of Francis E. Wilde, affirmed on April 28, 2011, and upon the exhibits attached thereto, the Declaration of Teresa M. Cinnamond, affirmed on April 28, 2011, and upon the exhibits attached thereto, the accompanying Memorandum of Law, dated April 28, 2011, and the pleadings herein, Defendant Philip E. Loeffel, by and through his attorneys Carroll McNulty & Kull LLC, will move the Court pursuant to Fed. R. Civ. Pro. 12(b)(6) before the Honorable Paul A. Crotty, United States District Court Judge for the Southern District of New York, in courtroom 20C, at the United States Courthouse, 500 Pearl Street, New York 10007, and at such time as the Court shall direct, for an order dismissing Plaintiffs' Complaint against Philip E. Loeffel in its entirety.

Dated: New York, New York
April 28, 2011

CARROLL McNULTY & KULL LLC

By: /s/ Joseph P. McNulty
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Philip E. Loeffel